

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 14-20420

Hon. Victoria A. Roberts

Ahmad Rashid Lewis,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (ECF No. 35)

Defendant Ahmad Rashid Lewis filed a Motion to Suppress Evidence Due to an Illegal Search. The matter was referred to Magistrate Judge Mona Majzoub pursuant to 28 U.S.C. §636(b)(1)(B). On July 27, 2016, Magistrate Judge Majzoub submitted a Report and Recommendation (R&R) recommending Lewis' Motion be denied.

Defendant filed objections. They are fully briefed.

A United States District Court Judge may refer certain dispositive pretrial motions to a United States Magistrate Judge for submission of proposed findings of fact and a recommendation. 28 U.S.C. § 636(b)(1)(B). This Court may accept, reject, or modify in whole or in part, the proposed findings and recommendations. 28 U.S.C. §636(b)(1)(C). The statute does not require review, by either the district court or the court of appeals, of any issue that is not the subject of an objection. *See, Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, "[t]he district judge must consider *de novo* any objection to the magistrate judge's recommendation." Fed. R. Crim. P. 59(b)(3).

Defendant filed seven objections. They are:

- (1) There was no independent corroboration of matters stated in the search warrant affidavit;
- (2) There was no basis to support a conclusion that the pills found were a controlled substance;
- (3) No law cited by the Magistrate Judge supports her conclusion that the officer could reasonably be presumed to be familiar with Schedule IV pharmaceuticals;
- (4) The Magistrate Judge incorrectly determined that the affidavit contained sufficient factual detail to conclude that drugs would be found at the address identified and that probable cause existed;
- (5) A single controlled purchase is insufficient to support a finding that the address described in the affidavit was part of an ongoing drug operation;
- (6) There was no drug purchase and the affidavit did not contain sufficient probable cause for the search of the address and seizure of narcotics; and
- (7) General disagreement with the Magistrate Judge's conclusion that probable cause supported the issuance of a search warrant.

The Court considered Defendant's objections *de novo*. The objections are a reiteration of Defendant's arguments in support of his motion to suppress. The Court reviewed the Motion to Suppress; the Government's Response; the R&R and all pertinent case law. The Court concludes that Magistrate Judge Majzoub thoroughly lays out the facts in her R&R, applies relevant case law and gives well reasoned explanations for her conclusions.

The Court **ADOPTS** the Magistrate Judge's R&R. Defendant's Motion to Suppress is **DENIED**.

IT IS ORDERED

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: September 14, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on September 14, 2016.

s/Linda Vertriest
Deputy Clerk